

and \$200,000.00 in punitive damages. Ms. Spears' claims are based on an alleged retaliatory action allegedly taken by Defendants that resulted in Ms. Spears' termination.

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because it is a civil action based upon the diversity of citizenship with more than \$75,000 at issue. Further, this matter is one that may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

4. Venue is proper in this Court, because the state court action is pending in the Circuit Court for Davidson County, Tennessee at Nashville. *See* 28 U.S.C. § 1441(a).

COMPLETE DIVERSITY OF CITIZENSHIP

5. There is complete diversity of citizenship between the parties.

(a) Plaintiff: Ms. Spears is a citizen and resident of Davidson County, Tennessee.

(b) Defendants: SPi is a corporation formed in Delaware and having a principal address of 2960 Professional Drive, Springfield, IL. Acusis purchased SPi on or about September 30, 2011. Acusis is a Delaware LLC, having a principle address at 200 1st Ave, 3rd Floor, Pittsburgh, Pennsylvania 15222-1512.

Thus, both Defendants are diverse from Plaintiff Spears.

AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00

6. Plaintiff Spears quantifies the amount of damages she seeks to recover in this case. *See* Exhibit A, pg. 4 ¶¶ 2-3. From the face of the Complaint, it is undisputed the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Given the complete diversity of the parties and an amount in controversy in excess of \$75,000, this Court has jurisdiction over the causes of action and claims asserted in the

state court action pursuant to 28 U.S.C. § 1332, and this action properly is removable pursuant to 28 U.S.C. § 1441.

OTHER ISSUES

8. Rule of Unity: the Sixth Circuit has adopted the rule of unanimity. *Loftis v. United Parcel Service, Inc.*, 342 F.3d 509, 516 (6th Cir. 2003). For proper removal, all defendants must consent to the removal. This Notice of Removal, signed by counsel for all Defendants, shall serve as evidence that all Defendants consent to removal of this action to this Court.

9 This Notice of Removal is timely filed as removal is proper up to 30 days after the date that service of process is received by the Defendants. *See* 28 U.S.C. § 1446(b).

10. SPi notified Ms. Spears of this Notice of Removal via certified mail and email.

11. A Notice of Filing of Notice of Removal to Federal Court (attached herein) will be filed in the state court, as soon as this Notice of Removal has been filed in this Court.

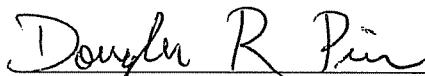
12. SPi hereby states there are no hearings set before the state court, from which this case is removed, and all pleadings and process files therein of which SPi is aware are attached hereto.

CONCLUSION

Because Plaintiff and all Defendants are diverse, and the amount in controversy exceeds \$75,000, exclusive of interest and costs, this Court has jurisdiction over Plaintiff Spears' claims pursuant to 28 U.S.C. § 1441. Alternatively, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332. Defendants are therefore entitled to remove this case to this Court.

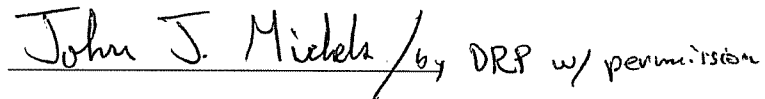
WHEREFORE, Defendant SPi requests the action now pending before the Circuit Court for Davidson County, Tennessee at Nashville, Civil Action No. 11C4582, be removed to this Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December 2011, this Defendant SPI's Notice of Removal and Memorandum of Law was mailed via First Class Mail and electronically filed with the Clerk of Court using CM/ECF which will send a notice of electronic filing to all CM/ECF participants:

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